ANNUAL REPORT
2000
Nova Scotia Police Commission

Police Commission
&
Police Review Board

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Nova Scotia Police Commission

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Introduction

Role of the Commission

The primary role of the Nova Scotia Police Commission is to investigate and conduct hearings into citizens' complaints alleging misconduct on the part of municipal police officers. The Commission's Police Review Board is also empowered to hear and determine appeals against disciplinary penalties or dismissals imposed or ordered by Chiefs of Police and Boards of Police Commissioners.

The responsibilities of the Nova Scotia Police Commission are outlined in Sections 5 and 5(A) of the Police Act whereby it states, "The Nova Scotia Police Commission shall perform the functions and duties assigned to it by the Police Act, the Governor-in-Council or the Minister of Justice".

These responsibilities include the following:

1. consult with and advise Boards of Police Commissioners and other police authorities and chiefs of police on all matters relating to public complaints and internal discipline;

2. conduct investigations and inquiries in accordance with the Act;

3. provide investigative and administrative support to the Review Board; and

4. make recommendations with respect to amendments to the Act or the Regulations or to any other enactment dealing with law enforcement.

When requested by a Board of Police Commissioners or directed by the Minister of Justice, the Nova Scotia Police Commission is also required, according to Section 8 of the Police Act, to inquire into the conduct and performance of any member of a municipal police force, the administration of any police force, the system of policing in any municipality, or the police needs of a municipality.

Furthermore, the Nova Scotia Police Commission, when directed by the Minister of Justice, is responsible for inquiring into any matter relating to the extent, investigation, or control of crime, as well as the enforcement of law.

Administrative History

The Nova Scotia Police Commission was established in 1976 with the proclamation of the *Police Act*. At that time, the Police Commission reported to the Attorney General, and was responsible for improving municipal police forces and improving relations between the police and the public.
The Police Commission provided a large number of services relating to policing and security in the province, including:

1. the development and approval of training programs for police officers;

2. the development of programs to improve public awareness of police functions, duties, and responsibilities;

3. the maintenance of statistics and research services;

4. the determination of the adequacy, efficiency, and effectiveness of the police services provided by municipalities;

5. the recommendation for appointment or re-appointment of Provincial Civil Constables, Special Constables, and By-Law Enforcement Officers; and

6. other duties under the *Private Investigators and Private Guards Act* and the *Police Services Act*.

In 1992, changes to the *Police Act* resulted in the re-organization and re-orientation of the Nova Scotia Police Commission. The majority of the services listed above were transferred to the Police and Public Safety Division of the Department of the Solicitor General. These services are now the responsibility of the Department of Justice.

The Police Commission retained its responsibility for investigating into matters relating to the conduct and performance of duties by police, the administration of a police force, the system of policing in a municipality, and the police needs of a municipality.

The Nova Scotia Police Review Board was established through amendments to the *Police Act* in the mid-1980s. The establishment of the Police Review Board replaced the Police Commission as the adjudicating body for citizen complaints and appeals against decisions made in internal discipline matters.

The Police Commission investigates and when appropriate attempts to negotiate a resolution to public complaints upon an appeal by the Complainant. If the Investigator feels the complaint has merit he will recommend a full hearing before the Nova Scotia Police Review Board.

Where the Police Commission's Investigator cannot satisfactorily resolve a complaint, or has

determined the complaint does not merit a complete review by the Nova Scotia Police Review Board he may refuse to recommend a hearing. The Complainant may further appeal this decision to the full body of the Police Commission seeking an order to refer the complaint to the Police Review Board.

The Police Review Board also conducts hearings into matters of internal discipline that are referred to it by the Police Commission. The Chairman of the Police Commission acts as Registrar of the Police Review Board, and the Police Commission provides all administrative support to the Police Review Board

Commission Membership

Under the provisions of Section 4(1) of the *Police Act*, the Commission is composed of not less than three persons appointed by the Governor-in-Council.

As of December 31, 2000 the members of the Commission were:

M. Jean Beeler	Chair
Paul D. Gates	Member
Denise Mentis-Smith	Member
Franklyn J. Jesty	Member

Commission Staff

As of December 31, 2000

E. Garry Mumford	Director
Pamela J. Little	Administrative Assistant to the Commission
Norma MacDonald	Secretary to the Director

Accommodations

The Nova Scotia Police Commission offices are located at Summit Place, 1601 Lower Water Street, Suite 300, Halifax, Nova Scotia.

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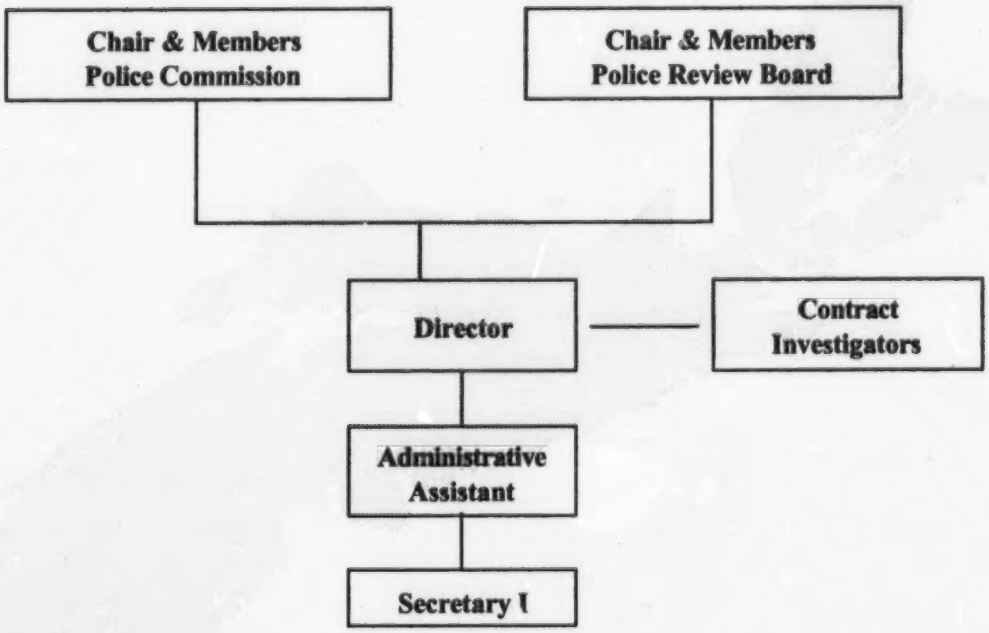
ORGANIZATIONAL CHART

NOVA SCOTIA POLICE COMMISSION
2000



Police Services

Responsibility for policing in Nova Scotia rests with the Department of Justice. At present, the R.C.M.P. is under contract to the province to act as the provincial police force, and under contract to provide municipal police services in a number of municipalities. In 2000, the Province of Nova Scotia had sixteen (16) municipal police departments with an authorized strength of 731 full time members. The Middleton and Wolfville Police Departments ceased operations in June and August of 2000 (respectively) and contracted their policing services to the R.C.M.P.

Nova Scotia - Statistics Canada

1999 - Police Resources & Population **2000**

Police Force	Population	Police Officers			Population per Police Officer	Other Personnel	Operating Expenditures	Per Capita Costs	Police Officers
		Male	Female	Total					
Population (100,000+)							$	$	
Halifax Regional	200,544	359	34	393	510	77	34,172,500	170	393
Population (50,000 - 99,999)									
Cape Breton Regional[1]	68,396	151	2	153	447	54	14,778,510	216	161
Population (5,000 -14,999)									
Amherst	9,824	20	2	22	447	8	1,625,761	165	20
Bridgewater	7,627	17	1	18	424	6	1,280,171	168	21
Kentville	5,644	13	1	14	403	1	1,008,500	179	16
New Glasgow[2]	13,882	28	-	28	496	25	1,974,172	142	29
Truro	13,176	26	3	29	454	20	2,178,903	165	29
Population (<5,000)									
Annapolis Royal	571	2	-	2	286	-	133,853	234	3
Hantsport	1,266	4	-	4	317	1	286,170	226	4
Lunenburg-Mahone Bay	3,525	8	2	10	353	2	701,154	199	9
Middleton	1,864	6	-	6	311	5	387,583	208	5
Springhill	4,159	7	-	7	594	6	774,005	186	10
Stellarton	4,912	9	-	9	546	12	739,231	150	10
Trenton	3,004	8	-	8	376	5	575,945	192	7
Unama'ki Tribal	4,537	15	3	18	252	7	1,619,404	357	14
Wolfville	4,122	9	2	11	375	3	758,141	184	-

[1] Includes data for Sydney, North Sydney and Glace Bay.

[2] Includes data for Westville.

Expenditures for 1999 were unavailable, therefore 1998 expenditures were substituted.

- nil or zero

.. figures not available

ACTIVITIES OF THE COMMISSION

Meetings

The Commission met to review appeals submitted to the Commission as outlined in Section 15 of the *Police Act* Regulations, and also to attend to regular business items. There were five meetings held in 2000. In those five meetings the Commission in its quasi-judicial function heard five appeals arising out of the Commission Investigator's decisions not to refer these matters to the Review Board. In three of the cases the Commission upheld the investigator's decision to not refer the complaint to the Police Review Board for hearing. The Commission also reviewed a request by a citizen to investigate an allegation of neglect of duty on the part of a constable from the Cape Breton Regional Police Service (CBRPS). The allegation falls outside the 6 month statutory time limitation for filing a public complaint. The Complainant claims that the Constable failed to arrest an individual as a result of an incident and in not doing so allowed the individual to be free and run into her son resulting in his death. After reviewing the Complainant's submission, the Commission made a motion, pursuant to Section 8(2) of the *Police Act*, that the Commission investigate and inquire into the allegations. Prior to seeking the concurrence of the Minister of Justice, the Commission asked the Director to meet with the Chief of the CBRPS in order to seek their position and possible explanation. This was carried out and a report was given to the Commission members. It was the unanimous decision of the Commission that there was no evidence upon which the Commission could make a finding that the Constable had in any way breached the Police Code of Conduct.

Mr. E. Garry Mumford, as Director of the Nova Scotia Police Commission, routinely represents the Police Commission at various meetings and conferences. Some of the events and/or presentations he attended or hosted included the following:

- attended several meetings throughout the year on the *Police Act* Review Committee,
- made a presentation to the Nova Scotia Chiefs of Police Association in May,
- In September, Mr. Mumford gave a four hour presentation to members of the Unama'ki Tribal Police (Public complaints). Also in September the Chair, Jean Beeler and the Director attended the Canadian Association for Civilian Oversight of Law Enforcement (C.A.C.O.L.E.) conference in Quebec City, Quebec. Jean Beeler is the First Past President of CACOLE and is still an active member. Ms. Beeler also accepted the position of Vice-President of I.A.C.O.L.E. which is the International Association for Civilian Oversight of Law Enforcement. The conference this year was a joint conference between I.A.C.O.L.E. and C.A.C.O.L.E.,
- gave a four hour presentation to members of the Unama'ki Tribal Police (Internal Discipline and Suspension) in October.

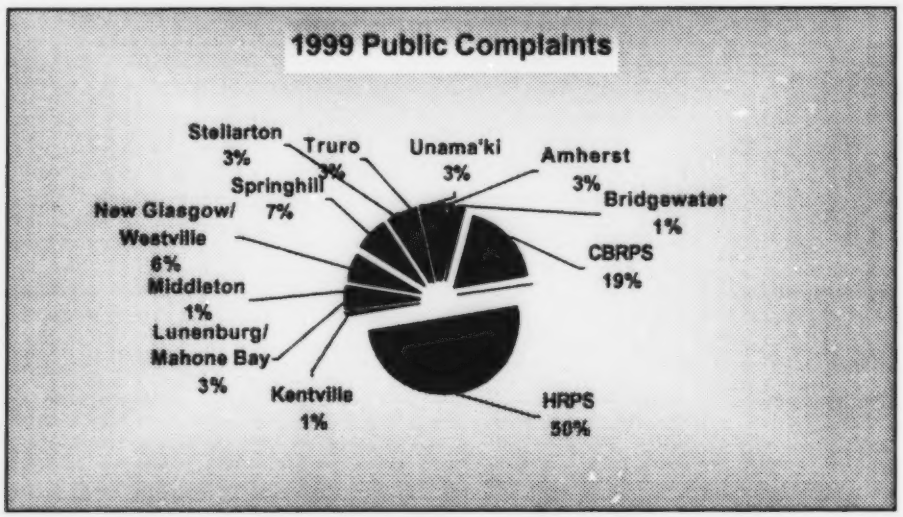
Public Complaints & Internal Discipline

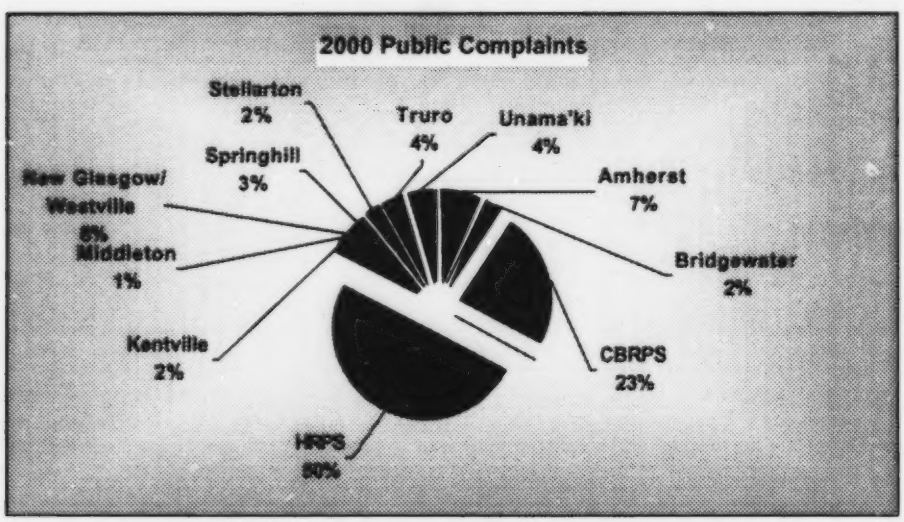
The table below depicts the number of public complaints and internal disciplinary matters received from each of the 16 municipal police departments over the last three years by the Nova Scotia Police Commission.

Department	1998		1999		2000	
	PC	ID	PC	ID	PC	ID
Amherst	1	1	5	1	9	0
Annapolis	0	0	0	0	0	0
Bridgewater	4	0	2	3	3	1
CBRPS	30	7	27	3	29	4
Hantsport	3	0	0	0	0	0
HRPS	95	49	74	21	61	27
Kentville	0	0	1	1	3	0
Lunenburg/Mahone Bay	2	0	5	0	0	1
Middleton	1	1	2	0	1	0
New Glasgow/Westville	6	0	9	0	1	1
Springhill	4	1	11	0	4	1
Stellarton	1	0	4	0	2	1
Trenton	1	0	0	0	1	0
Truro	4	1	5	2	5	1
Unama'ki	0	0	5	0	5	0
Wolfville	1	0	0	1	0	0
Totals	**153**	**60**	**150**	**32**	**124**	**37**

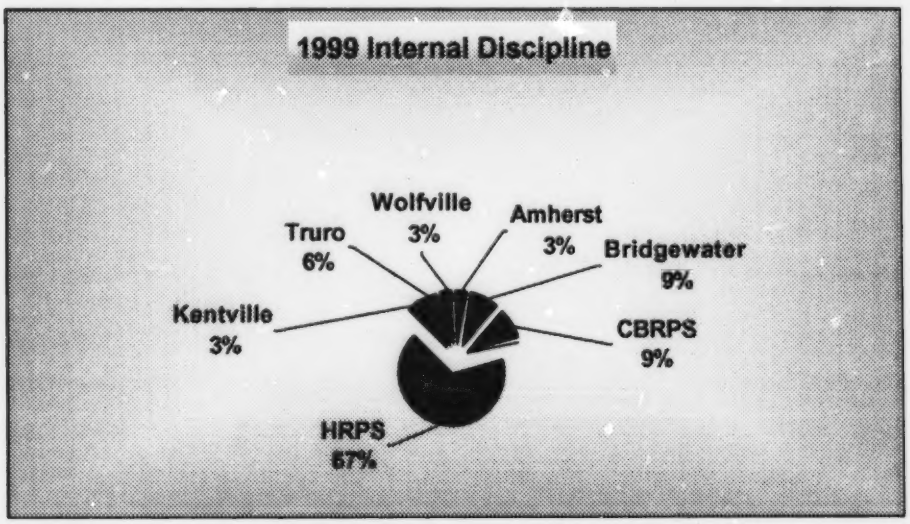
PC = Public Complaints
ID = Internal Discipline

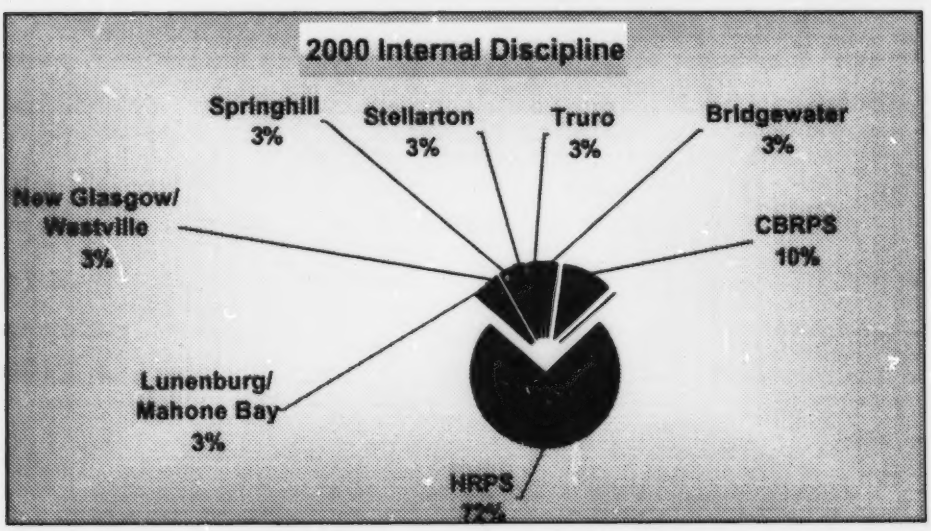
Public Complaints - A total of 124 public complaints were received in 2000. This represents a 17 % decrease over the number registered with the Commission in 1999.





Internal Disciplinary Matters - A total of 37 internal disciplinary matters were received in 1999. This represents a 16% increase in the number of internal matters filed with the Commission in 1999.





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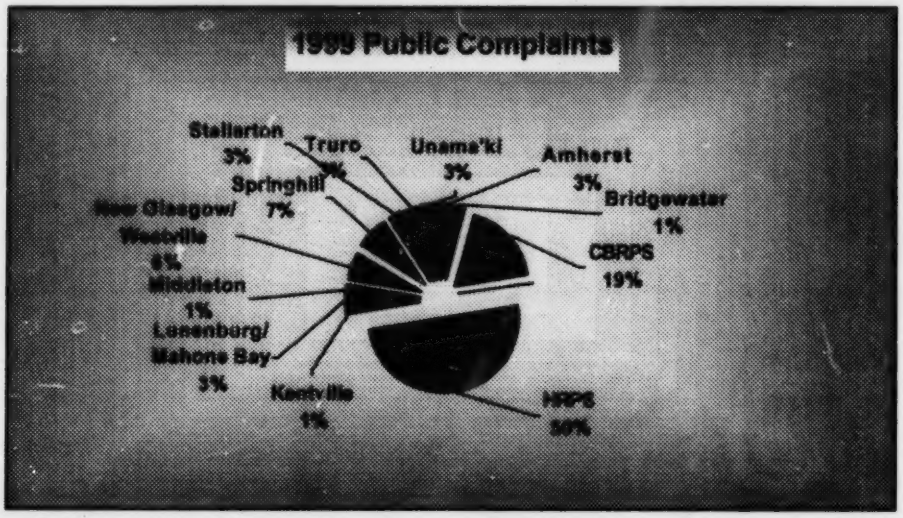

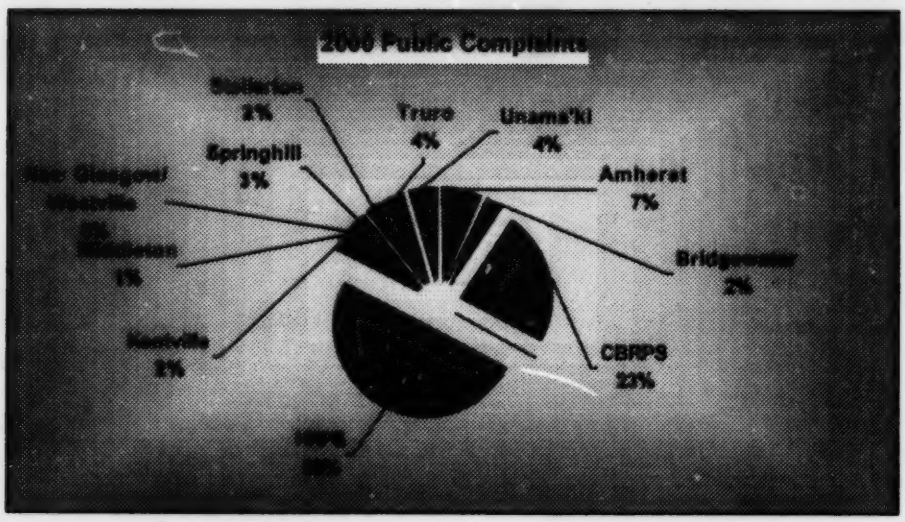

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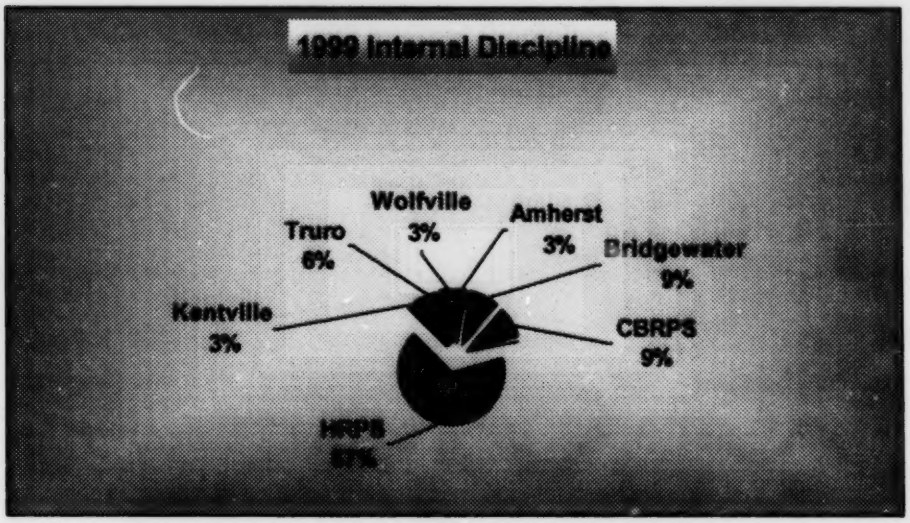
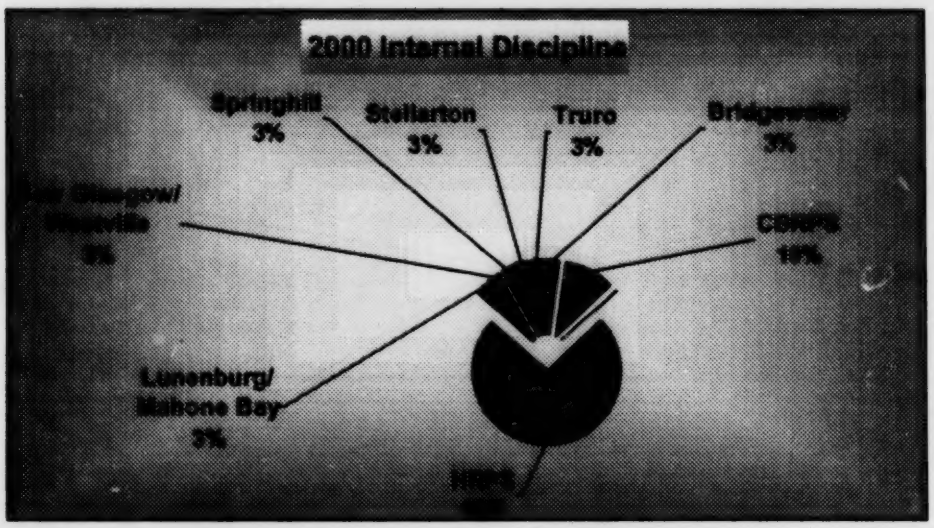
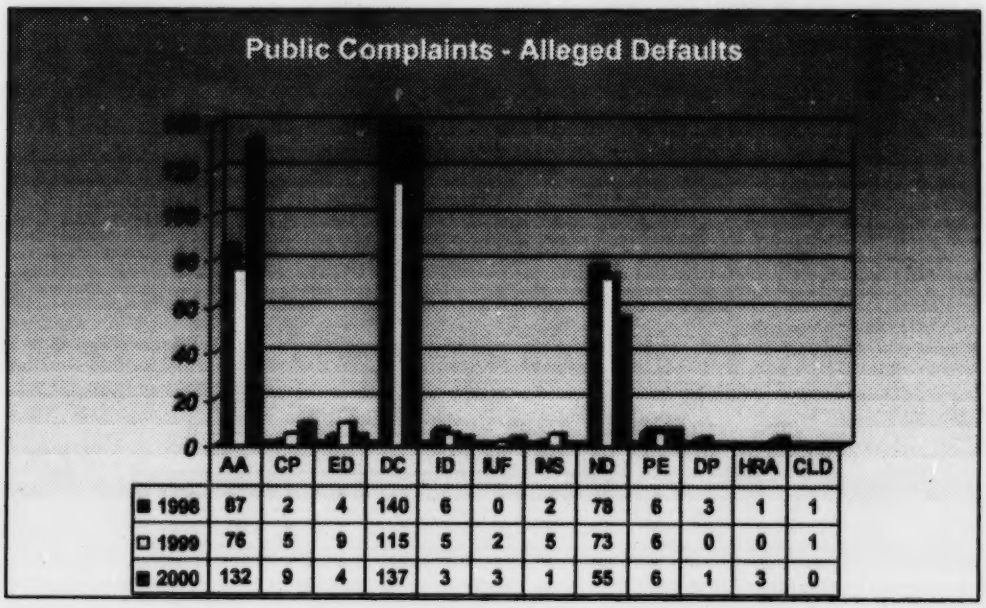




Public Complaints - Alleged Defaults [1]

Section	Abrev.	Alleged Defaults	1998	1999	2000
5(1)(g)	AA	Abuse of Authority	87	76	131
5(1)(f)	CP	Corrupt Practice	2	5	8
5(1)(d)	ED	Engages in Deceit	4	9	2
5(1)(a)	DC	Discreditable Conduct	140	115	123
5(1)(e)	ID	Improper Disclosure	6	5	2
5(1)(h)	IUF	Improper use of Firearm	0	2	2
5(1)(b)	INS	Insubordination	2	5	0
5(1)(c)	ND	Neglect of Duty	78	73	37
5(6)	PE	Public Expectation	6	6	6
5(1)(i)	DP	Damages Property	3	0	0
5(1)(k)	HRA	Human Rights Act	1	0	3
5(1)(j)	CLD	Consumes Liquor or Drugs	1	1	0
		Totals	329	246	314

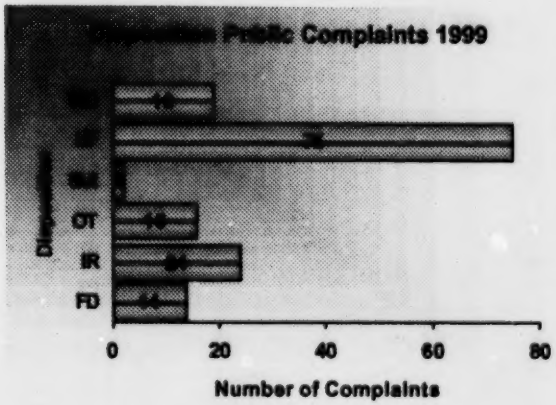


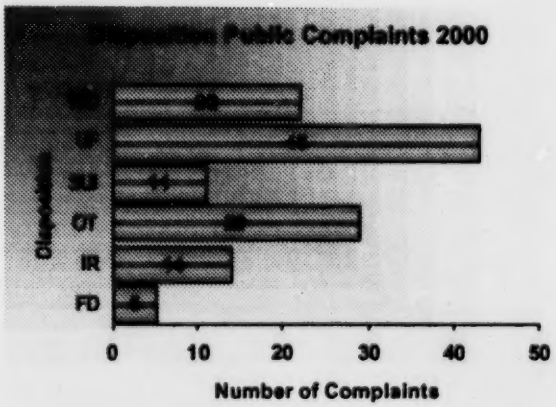
[1] Because a complaint may contain more than one allegation, and in order to more accurately reflect the nature of the complaints, our statistics above indicate the total number of allegations.

DISPOSITION (PUBLIC COMPLAINTS)

Disposition - Public	Abbreviation	1999	2000
Founded	FD	14	5
Informal Resolution	IR	24	14
Other [1]	OT	16	29
Unfounded [2]	UF	75	43
Still Under Investigation [3]	SUI	2	11
Withdrawn	WD	19	22
	TOTAL	150	124

These graphs illustrate the percentage of complaints filed with the Nova Scotia Police Commission in 1999 and 2000 and their disposition at the time of printing of this report.





(1) Other includes: Filed beyond eligible time period, Extensions not granted, Officer resigned, Criminally Investigated.

(2) Unfounded can result from: Investigated and deemed unfounded at department level, and not appealed by the complainant or deemed unfounded by the Police Review Board as a result of a hearing.

(3) Still Under Investigation includes at the Department level, the Commission level or awaiting hearing

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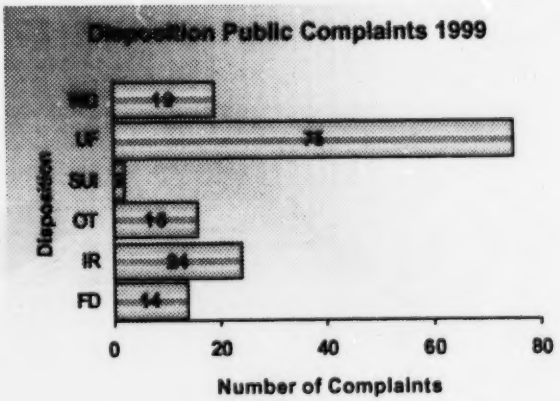

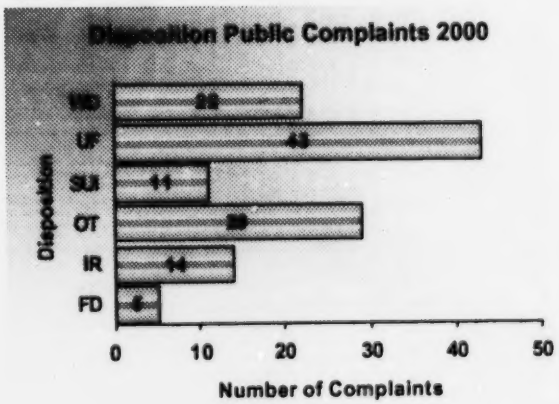

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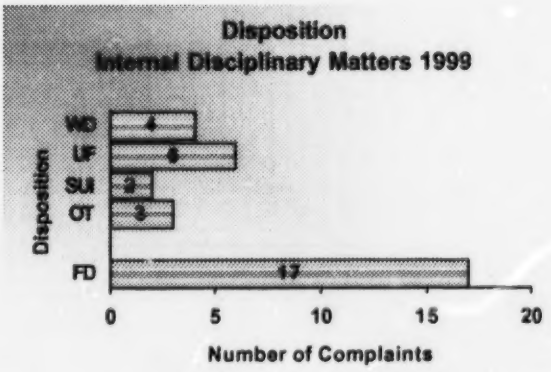
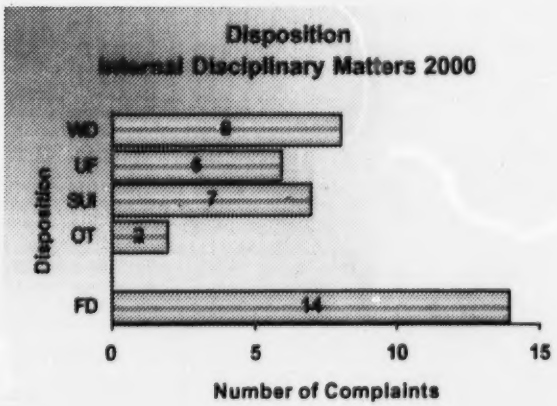
DISPOSITION (INTERNAL DISCIPLINE)

Disposition - Internal	Abbreviation	1999	2000
Founded	FD	17	14
Other [1]	OT	3	2
Unfounded [2]	UF	6	6
Still Under Investigation [3]	SUI	2	7
Withdrawn	WD	4	8
	TOTAL	32	37

These graphs illustrate the percentage of Internal Discipline Matters filed with the Nova Scotia Police Commission in 1999 and 2000 and their disposition at the time of printing





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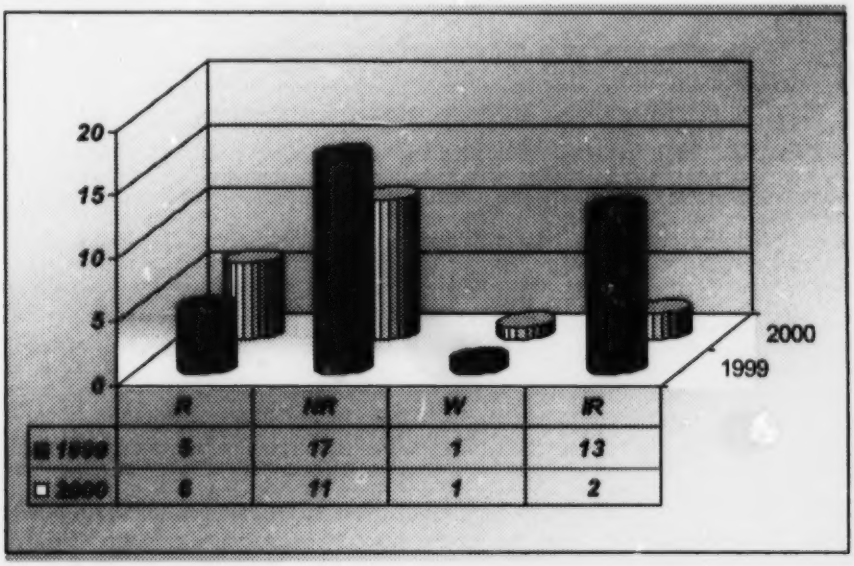
Investigations by Commission:

In 2000 the Police Commission investigated 20 appeals by complainants on complaints which were found unsustained at the department level. Our Investigators were successful in informally resolving 2 of the complaints, and referred 6 others to the Review Board for a hearing. Of the 11 complaints the Commission's Investigators did not refer to the Review Board, 5 were appealed by the Complainants to the Commission for an order to refer it to the Review Board. The Commission over ruled two of the Investigator's recommendations and forwarded those matters to the Review Board.



Legend:	Abbreviation	2000	1999
Investigator referred to Police Review Board	R	6	5
Investigator did not refer to Police Review Board	NR	11	17
Complaint Withdrawn	W	1	1
Complaint Informally Resolved by Investigator	IR	2	13

DISPOSITION (INTERNAL DISCIPLINE)

Disposition - Internal	Abbreviation	1999	2000
Founded	FD	17	14
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Unfounded [2]	UF	6	6
Still Under Investigation [3]	SUI	2	7
Withdrawn	WD	4	8
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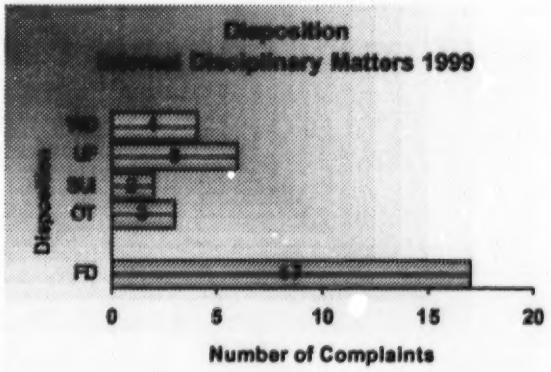

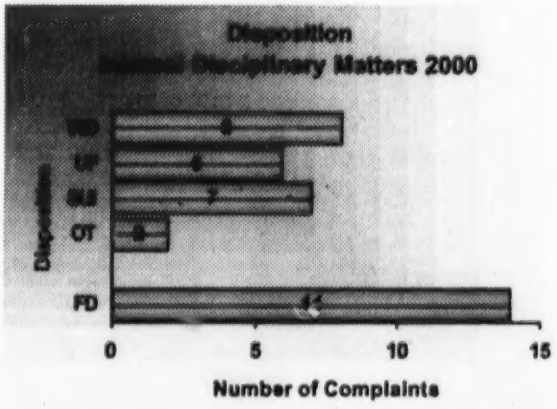

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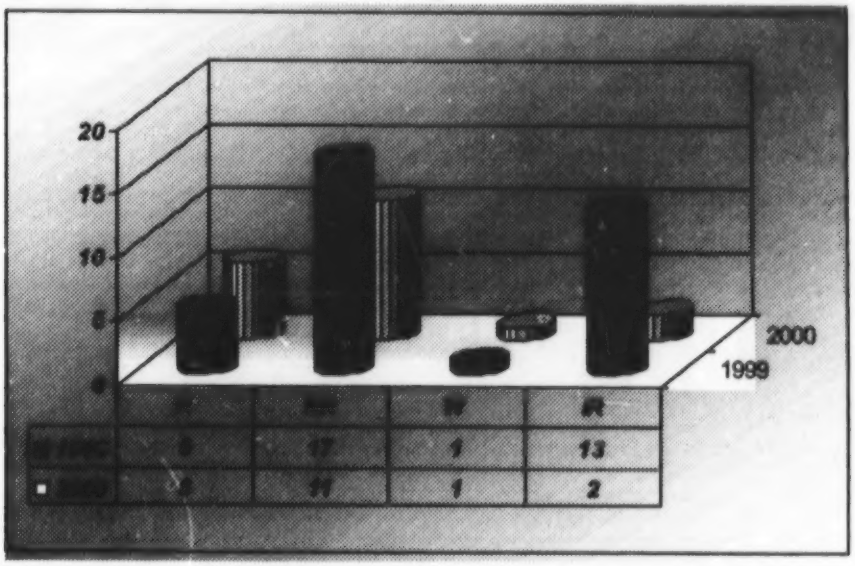

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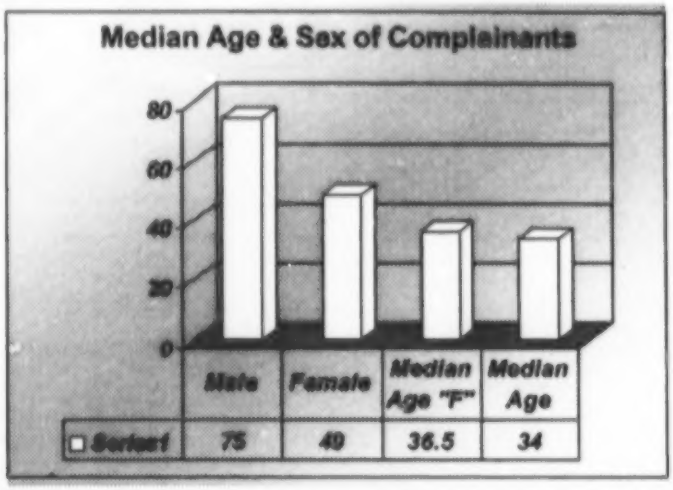
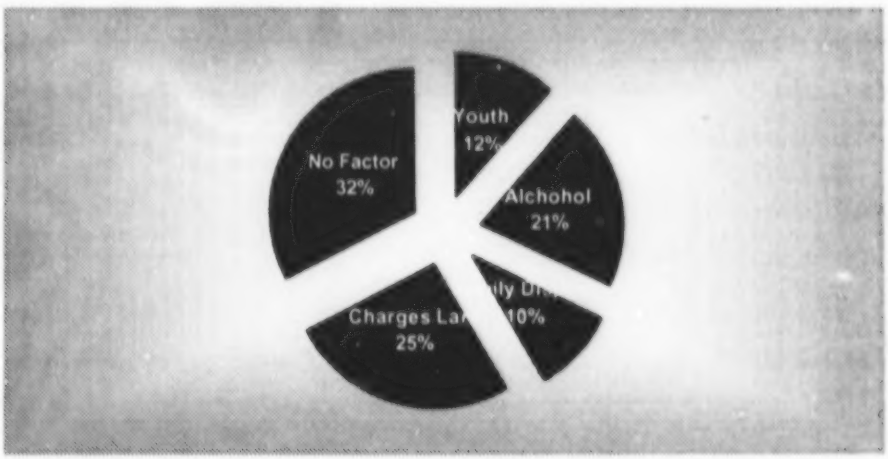
Investigator referred to Police Review Board	R	6	5
Investigator did not refer to Police Review Board	NR	11	17
Complaint Withdrawn	W	1	1
Complaint Informally Resolved by Investigator	IR	2	13

Demographics

In 2000 there were 49 complaints filed by women with a median age of 36.5. Men accounted for the other 75 public complaints filed and their median age was calculated to be 34.

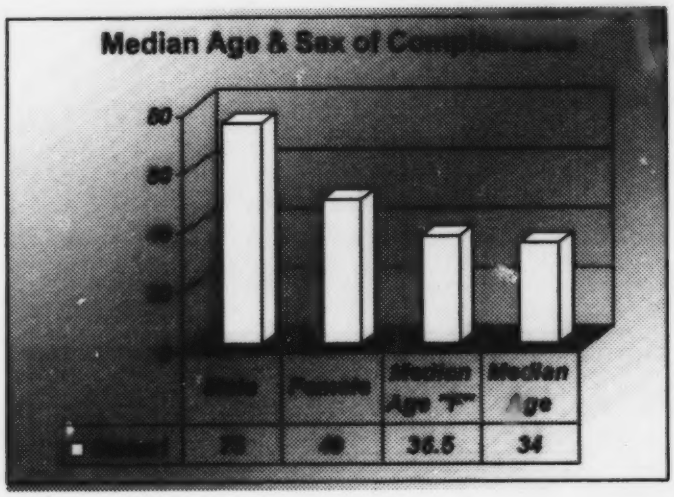


The figures shown below indicate the actual number of instances in 2000 where there were reports of alcohol involvement, racial (stated or perceived) youth involvement; and/or family disputes on the part of the complainants or other parties. All data was collected from the Complaint Form or investigation reports.



Demographics

In 2000 there were 49 complaints filed by women with a median age of 36.5. Men accounted for the other 75 public complaints filed and their median age was calculated to be 34.



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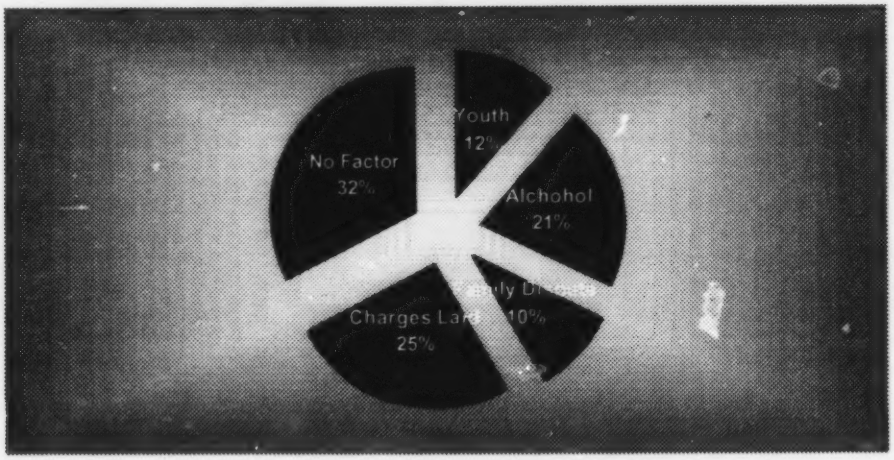


Role and Composition of Police Review Board

The Police Review Board, as authorized in Section 28 of the Police Act, is composed of three members and alternates appointed by the Governor-in-Council. The role of the Police Review Board is to conduct hearings into public complaints against the police and matters of internal discipline regarding the conduct of police officers.

As of December 31, 2000 the members of the Police Review Board are as follows:

Brian S. Creighton	Chair
Jean McKenna	Alternate Chair
Linda Fraser	Alternate Member
Gordon Patterson	Alternate Member
Theresa Meuse	Alternate Member
Brad Barton	Alternate Member

Mr. Brian Creighton was admitted to the Nova Scotia Bar in 1978 and is presently a Solicitor with Creighton, Shatford & Drysdale in the Town of Amherst.

Ms. Jean McKenna has several years experience as a teacher and was admitted to the Nova Scotia Bar in 1984. She is currently practicing with Huestis Ritch in the City of Halifax.

Mrs. Linda Fraser of Chester, Nova Scotia is retired from her employment in the social services field. She has also served on many boards as a community volunteer worker.

Mr. Gordon Patterson of Cape Breton is retired from the Canadian Armed Forces. After his retirement from the Armed Forces he was employed as a Warden/Head Jailer until the jail's existence was terminated.

Ms. Theresa Meuse from Lantz, contracts undertakings with various Mi'kmaq Communities and is very active in local school development. She has served as the Community Health Coordinator with the Confederacy of Mainland Mi'kmaq. She has also worked with the Confederacy as Employment Equity Coordinator and has developed community health plans for Member Bands.

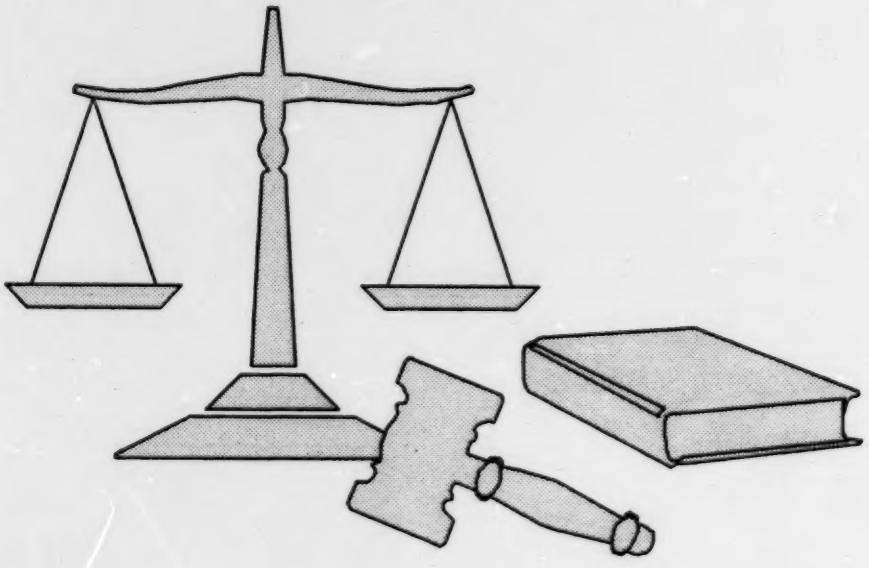
Mr. Brad Barton of Dartmouth is a retired teacher and former vice-principal. Mr. Barton recently retired as the Supervisor of Race Relations and Human Rights for the Halifax Regional Municipal School Board and was awarded the Order of Canada in 1999.

Hearings

In the reporting period of December 2000, the number of hearings conducted by the Police Review Board and number of meeting days in the previous three years are listed below.

	1998	1999	2000
Number of Hearings	13	11	13
Number of Hearing Days	15	14.5	34.5

A Sampling of CASE SUMMARIES



Case No. 1	An appeal of a disciplinary decision as a result of an internal complaint
Disciplinary Default:	Discreditable conduct
Hearing Dates:	June 12, 2000
Before:	Jean McKenna - Alternate Chair Brad Barton - Member Linda Fraser - Member
Appearances:	Mr. David Fisher on behalf of the officer Ms. Ann Smith - Solicitor on behalf of the Chief and Town of Bridgewater
Date of Decision:	Written Decision - September 11, 2000
Summary of Decision:	This matter came before the Board as a result of an appeal by a member of the Bridgewater Police Department. The member, representing himself in a private civil matter, made an outburst and displayed inappropriate behavior in the Nova Scotia Supreme Court. Witnesses testified that the behavior was out of character and the member agreed that it constituted a disciplinary default. The Board, in its decision, found that his conduct was inappropriate and was triggered by financial difficulties. They determined that the penalty should not add further financial pressure and concluded that a reprimand and an apology to the judge would be sufficient.

Case No. 2	An appeal of a decision as a result of a public complaint.
Nature of Complaint:	Abuse of authority by making an arrest without good or sufficient cause
Hearing Dates:	January 12, 2000
Before:	Brian Creighton - Chair Jean McKenna - Alternate Chair Gordon Patterson - Member
Appearances:	David Fisher on behalf of the officer Mr. Sheldon Nathanson on behalf of the officer Complainants on behalf of themselves
Date of Decision:	Written - February 18, 2000
Summary of Decision:	The complainant was arrested and charged with being intoxicated in a public place and was placed in the lockup for approximately two hours. He testified that he had nothing to drink during that evening or on the day prior to his arrest. He was walking to his sister's house from his girlfriend's house and while waiting for his sister to return home, he was arrested. His mother attended at the lockup and he was then released. He attended at the RCMP station and requested that a breathalyser test be given. This request could not be accommodated but the officer noted that the complainant did not show signs of intoxication. He then went to the hospital to have blood tests taken. The results of that test showed a negative reading for alcohol. The Board found that an arrest without sufficient cause can in and of itself constitute an abuse of authority. The authority to arrest is a very significant police power. They found that the complainant was not drinking and that there was not good cause for the officer to make an arrest. With regard to penalty, the Board found that there was no evidence of improper motive and imposed a reprimand without conditions.

Case No. 3	A request for an extension in time to file a complaint
Nature of Complaint:	
Hearing Dates:	October 8, 1999
Before:	Brian Creighton - Chair Linda Fraser - Member Theresa Meuse - Member
Appearances:	Patrick Duncan on behalf of the Officer Complainant on behalf of themself
Date of Decision:	Oral - October 8, 1999 Written Decision - March 31, 2000
Summary of Decision:	A member of the public made application for an extension in time to file a complaint against a member of the Halifax Regional Police. Section 7 of the regulations require that a complaint must be filed within 30 days of the occurrence which gave rise to the complaint. The Board may order that the complaint be proceeded with after the 30 days, provided: it is filed within 6 months of the occurrence; there are reasonable grounds for ordering that the complaint be proceeded with; and proceeding will not unduly prejudice the member. The Board found that the complaint was within the 6 months and that proceeding would not unduly prejudice the member and further, that the complainant had good cause for the delay. The Board found however that the complainant's allegations could not form the basis of a complaint under the Act or Regulations and therefore did not allow the extension in time to file the complaint.

Case No. 4	An appeal of a decision as a result of a public complaint.
Nature of Complaint:	Discreditable conduct and neglect of duty.
Hearing Dates:	November 19th and 22nd, 1999
Before:	Brian Creighton - Chair Brad Barton - Member Linda Fraser - Member
Appearances:	Patrick Duncan QC on behalf of the named officer The Complainant on behalf of herself
Date of Decision:	February 29th, 2000
Summary of Decision:	The complainant alleged that on separate occasions, separated by many months, she was sexually assaulted by two different men, both of whom were known to her. Her complaints against a constable of the Halifax Regional Police arose out of the investigation of these two criminal allegations. Specifically she stated that the officer was discourteous or uncivil to her; that he was insensitive to the emotional trauma associated with reporting of the alleged sexual assaults; that he failed to complete a thorough investigation; that he failed to complete the investigation in a timely fashion; that he reached the wrong conclusion in not prosecuting the alleged perpetrators and; that it was insensitive for the constable to request the address of the perpetrators from her. The Board, in its decision, concluded that the complainant was very frustrated by the investigative process and that her perception was that because the constable did not recommend prosecutions, he was accusing her of being untruthful. However, the Board stated that it was presented no evidence that the constable did not thoroughly investigate both cases to a reasonable investigative standard. It also concluded that the constable did contact the complainant on a reasonable number of occasions to obtain additional information, inform her of the progress of the file and the results of the investigation. The Board commented that the officer had adequate investigative training and experience to make a decision with regard to the laying of charges. Recommendations and decisions are made by police officers on investigations which do frustrate and upset people. That will always be the case despite the best efforts of police officers to convey their reasoning for their decisions to victims and members of the public. The disciplinary defaults set out against the constable were dismissed.

Case No. 5	An appeal of a disciplinary decision as a result of an internal complaint.
Nature of Complaint:	Engaged in discreditable conduct by contravening an Act of the Province of Nova Scotia, a Province or territory of Canada, or the Government of Canada, or a regulation made pursuant thereto, where the contravention is of such a character that it would be prejudicial to discipline or likely to bring discredit on the reputation of the police force.
Hearing Dates:	March 2nd and 3rd, 2000
Before:	Jean McKenna - Alternate Chair Gordon Patterson - Member Linda Fraser - Member
Appearances:	Hector McIssac - Solicitor on behalf of the named officer Garry Rankin - Solicitor on behalf of the New Glasgow/Westville Police Service
Date of Decision:	August 15, 2000 (Written)
Summary of Decision:	These proceedings came before the Board as a result of an appeal by a constable of the New Glasgow/Westville Police Department who had been dismissed. The Board heard evidence through several witnesses to the effect the constable had met up with four civilians in an isolated area near a lake. The constable was off duty and in his private vehicle. The evidence indicated the officer was under the influence of alcohol and had engaged in friendly conversation with the civilians and had identified himself as a police officer. At some point the constable went to his vehicle and retrieved a handgun and bullets. The civilians perceived the officer as intoxicated and were extremely concerned that he was handling a firearm in this condition. As a result they left the area. The matter was reported to the RCMP detachment who had jurisdiction and the constable was charged with careless handling of a firearm. The criminal charges were ultimately dismissed. The Board, in its decision, concluded that the misconduct was very serious and had harmed the reputation of the police department. It commented that as any police officer knows, firearms and alcohol are a highly dangerous combination. However, balanced against those negatives is the lengthy work history of the constable and, as well, there was no evidence of any prior disciplinary defaults. The Board stated that it was clear that alcohol is at the heart of this

particular disciplinary default. It noted that the constable has taken steps to obtain some treatment and counseling for alcohol addiction. In light of the fact the police department has an employee assistance program available for officers who get into difficulty with the consumption of alcohol, the Board concluded this officer should have recourse to such assistance in an effort to rehabilitate an otherwise worthwhile officer.